

Susan Russell, OSB No. 894518
Assistant Federal Public Defender
101 SW Main Street, Suite 1700
Portland, OR 97204
Tel: (503) 326 2123
Fax: (503) 326-5524
Email: susan_russell@fd.org
Attorney for Defendant

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA,

Case No. 3:14-cr-00252-IM

Plaintiff,

MOTION FOR EARLY
TERMINATION OF
SUPERVISED RELEASE

v.

DAVID FABOO,

Defendant.

Pursuant to Federal Rule of Criminal Procedure 32.1(c)(2) and 18 U.S.C.

§ 3583(e), the defendant, David Faboo, through his attorney, Susan Russell, respectfully moves this Court to terminate his supervised release term early. Mr. Faboo's U.S. Probation Officer, Siri Overstreet, has been contacted and responded that the U.S. Probation Office cannot provide their position on Mr. Faboo's Motion for Early

Termination until the motion is filed with the Court. USPO Overstreet did share her observations on Mr. Faboo's progress while on supervision, noting that Mr. Faboo is in compliance with the conditions of his supervised release and remains stable in his employment and residence. The government was previously represented in this case by Assistant U.S. Attorney Jane Shoemaker who is no longer with that office. No attorney has been re-assigned to this case from the U.S. Attorney's Office and the government's position on Mr. Faboo's Motion for Early Termination of Supervised Release is unknown.

BACKGROUND

On January 4, 2011, Mr. Faboo was convicted of Enticing Interstate Travel With Intent to Engage in Illegal Sexual Act (Class C Felony) in the Eastern District of California in Case No. 2:08-cr-00159-LKK. He was sentenced to a prison term of 78 months and 180 months of supervised release. Mr. Faboo's term of supervised release commenced on October 22, 2013. On June 6, 2014, jurisdiction was transferred to the District of Oregon. Mr. Faboo's supervised release term is set to expire on October 21, 2028.

Mr. Faboo is currently in full compliance with all terms of his supervised release and his conduct demonstrates that supervision is no longer necessary. He therefore respectfully requests that the Court terminate his supervised release.

ANALYSIS

Early Termination Of Supervised Release Is Warranted By The Conduct Of Mr. Faboo And The Interest Of Justice.

Section 3583(e) authorizes the Court to terminate a term of supervised release at any time after the expiration of one year of supervised release in the case of a felony if “it is satisfied that such action is warranted by the conduct of the defendant and the interest of justice.” 18 U.S.C. § 3583(e)(1).

The record in this case establishes that early termination of supervised release is warranted. Mr. Faboo is in full compliance with all conditions of supervised release and he continues to make progressive strides towards his supervision objectives. Mr. Faboo has obtained no new arrests or convictions, has no unresolved pending charges, nor has he engaged in any new criminal conduct.

Mr. Faboo has made himself actively available for supervision. He reports as directed, complies with the directions of his federal probation officer, and is currently in full compliance with all conditions of his supervised release.

Mr. Faboo lives in a stable and drug-free residence, a house in Hillsboro, Oregon where he has rented a room for the past three years. Mr. Faboo has also maintained stable employment, working as a truck driver with Market Express for over two years.

Mr. Faboo has actively engaged in extensive programming and treatment throughout the course of his supervision. Mr. Faboo successfully completed over three

years of drug and mental health counselling at Lifeworks Northwest and over four years of sex offender treatment with a recognized treatment provider in Portland, Oregon, for which Mr. Faboo paid himself.

Mr. Faboo satisfies all criteria for early termination. He respectfully submits that supervised release is “no longer necessary” and urges the Court to terminate his supervised release at this time.

CONCLUSION

For the foregoing reasons, Mr. Faboo respectfully requests that the Court terminate his supervised release term early. Early termination is warranted not only by his conduct, but also by the interest of justice.

RESPECTFULLY submitted this 6th day of May, 2021.

/s/ Susan Russell
Susan Russell
Assistant Federal Public Defender